

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

STERIGENICS U.S., LLC,)	
)	
Plaintiff,)	
v.)	Civil Action
)	No. 1:20-cv-01382-WMR
COBB COUNTY, GEORGIA;)	
NICHOLAS DAWE, Fire Marshal of)	
Cobb County, Georgia, in his Individual)	
Capacity; and KEVIN GOBBLE,)	
Development and Inspections Division)	
Manager and Chief Building Official of)	
Cobb County, Georgia, in his Individual)	
Capacity,)	
)	
Defendants.)	
)	

**AMENDMENT TO COMPLAINT FOR DECLARATORY
JUDGMENT AND INJUNCTIVE RELIEF**

Pursuant to Federal Rule of Civil Procedure 15(a)(1)(B) and L.R. 15.1, Plaintiff Sterigenics U.S., LLC (“Sterigenics”) hereby amends the following paragraphs of its Complaint for Declaratory Judgment and Injunctive Relief as follows:

8. Defendants Dawe and Gobble are both citizens of Georgia.

11. Defendant Cobb County is a citizen of Georgia for purposes of diversity of citizenship.

14. Gobble's and Dawe's unlawful actions to preclude and interfere with Sterigenics' use and operation of its Facility and the County's unconstitutional ordinance as alleged herein have caused more than \$75,000 in losses to Sterigenics and will continue to result in such losses greater than \$75,000 unless they are enjoined and declared unlawful and unconstitutional as alleged in this Complaint. These losses include lost revenue from lost sterilization services at the Facility in the amount of at least \$1 million per month; lost goodwill and reputation with current and potential customers, in turn putting Sterigenics at a substantial risk of losing contracts and business with existing and prospective customers worth millions of dollars; and the investments of millions of dollars Sterigenics has made in the Facility to perform the specific FDA-approved sterilization processes required under its contracts with its customers.

17. The Court has personal jurisdiction over Defendants because they are domiciled in Georgia, and because the events giving rise to the claims in this Complaint occurred in Georgia.

18. Venue is proper in this Court pursuant to 28 U.S.C. § 1391, because Defendants are domiciled in Georgia and this Judicial District, and the events giving rise to the claims in this Complaint occurred in Cobb County within this Judicial District.

153. Sterigenics re-alleges and reincorporates paragraphs 1 through 129 of this Complaint.

155. Defendant Dawe's only authority to require a certificate of occupancy for any building is governed by Sec. 54-51 of the Cobb County Ordinance.

157. Section 54-51(i) vaguely "defines" the term "substantial renovation" as follows:

any construction project involving exits or internal features of such building, or any structure costing more than the building's or structure's assessed value according to county tax records at the time of such renovation. Sec. 54-51(i), Cobb Cty. Ord.

176. Sterigenics re-alleges and reincorporates paragraphs 1 through 129 and 157 of this Complaint.

Pursuant to L.R. 15.1, Sterigenics hereby incorporates and reasserts by reference all other paragraphs and exhibits in its Complaint for Declaratory Judgment and Injunctive Relief filed on March 30, 2020 as if set forth fully herein.

[signature on following page]

Respectfully submitted this 24th day of June, 2020.

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/s/ W. Clay Massey
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*Attorneys for Plaintiff Sterigenics U.S.,
LLC*

CERTIFICATE OF COMPLIANCE WITH
LOCAL RULE 5.1(B)

I hereby certify that the foregoing was prepared in Times New Roman 14-point font, double-spaced, with a top margin of not less of 1.5 inches and a left margin of not less than 1 inch.

This 24th day of June, 2020.

/s/ W. Clay Massey
W. Clay Massey

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing motion via the Court's CM/ECF filing system, which will automatically send electronic notice to the following attorneys of record:

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This 24th day of June, 2020.

/s/ W. Clay Massey
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